



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

August 1, 2013

Mr. Angel Jimenez
MuckRock News, Dept MR 6385
P.O. Box 55819
Boston, MA 02202-5819

Dear Mr. Jimenez:

This letter is in response to your correspondence, dated July 29, 2013, to the U.S. Census Bureau's Freedom of Information Act (FOIA) Office. We received your request in this office on July 30, 2013, and have assigned to it tracking number DOC-CEN-2013-001317. We are responding under the FOIA to your request for:

Information about temporary Census workers in the last US Census. Specifically you request information regarding DOB, date of termination and reason for termination, along with date of application and reason for not hiring.

In your request correspondence, you seek a waiver of fees. Pursuant to procedures established in Department of Commerce's FOIA regulations, Title 15, Code of Federal Regulations, Section 4.11(k), we rely on the following factors in determining whether the statutory standard for granting a fee waiver has been met:

1. The subject of the requested records must concern identifiable operations or activities of the Federal Government.
2. The disclosable portions of the requested records must be meaningfully informative about Government operations or activities in order to be "likely to contribute" to and increase public understanding of those operations or activities.
3. The disclosure of the requested information must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester.
4. The disclosure of the requested information is likely to contribute "significantly" to the public's understanding of Government operations or activities.
5. Whether the requester has a commercial interest that would be furthered by the requester.
6. Whether any identified commercial interest of the requester is sufficiently great, in comparison with the public interest in disclosure, such that the disclosure is not primarily in the commercial interest of the requester.

After review of your request, we have determined that your fee waiver justification was insufficient in detail for the records listed above, and you did not provide us with the necessary information to make an informed decision as to whether or not we can appropriately grant you a fee waiver. In particular, although you stated, "I also request that, if appropriate, fees be waived as I believe this request is in the public interest." You went on to state, "The requested documents would be made available to the general public free of charge as part of the public

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information service at MuckRock.com.” However, you did not provide additional information addressing the factors outlined above.

If you would like further consideration of your fee waiver request, please provide a detailed explanation of how disclosure of the records requested would satisfy the requirements for a fee waiver. A detailed fee waiver justification should be provided for all information described in your request. You may provide your justification to our office in writing at:

FOIA Office
Room 8H027
U.S. Census Bureau
4600 Silver Hill Road
Washington, D.C. 20233

Alternatively, under the Department of Commerce’s FOIA regulations, Title 15, Code of Federal Regulations, Section 4.11, four requester categories and associated chargeable fees are provided. It is our determination that the fee schedule for “All Other Requesters” applies to your request. Therefore, you are responsible for the costs of search and duplication excluding the cost of the first 2 hours of search and the first 100 pages of duplication. You specifically request electronic copies of these records. Pursuant to the Code of Federal Regulations, 15 CFR Section 4.11(c)(4), “copies produced by computer, such as tapes or printouts, components shall charge the direct costs, including operator time, of producing the copy.” We have prepared and enclosed a fee estimate of \$12,799.03 for processing your request.

Pursuant to 15 CFR Section 4.11, we shall not consider your request received for the purposes of calculating the time limit in Section 4.6(b) of the regulations to respond to a request, or process it further, until we receive payment for the entire anticipated fee. Advance payment is required. After we receive your payment, we will continue to process your request. A FOIA check transmittal form is enclosed for your convenience. We will charge you for or refund any difference between the estimated charge and the actual cost of providing the documents. If necessary, please contact Josephine Ocheni of my staff by telephone at (301) 763-1729 or by e-mail at josephine.ocheni@census.gov to discuss modifying the request to meet your needs at a lower cost. If payment or other communication is not received within 30 calendar days from the date of this fee notification letter, your FOIA request will be considered “closed.”

Please be aware that any documents or information that the U.S. Census Bureau may have, related to your request, may have personal privacy interests protected under the FOIA. Privacy considerations regarding records of this type usually outweigh the need for public disclosure. Therefore, without confirming or denying the existence of any such records in response to your request, documents maintained by the U.S. Census Bureau regarding such personnel actions may be withheld in most instances under FOIA Exemption (b)(6), which protects from disclosure information about individuals, the release of which would constitute a clearly unwarranted invasion of personal privacy. Thus, even with payment of anticipated fees, all or part of responsive information may be withheld under applicable FOIA exemptions. A final determination would not be made on the release of responsive documents until after receipt of fees.

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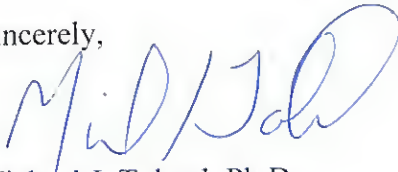
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Based on the above information, this constitutes a denial of your fee waiver. You have the right to appeal this denial. The Assistant General Counsel for Administration (Office) must receive your appeal within 30 calendar days of the date of this initial denial letter. Address your appeal to the following office:

**Assistant General Counsel for Administration
Room 5898-C
U.S. Department of Commerce
14th and Constitution Avenue, N.W.
Washington, D.C. 20230**

Your appeal may also be sent by e-mail to FOIAAppeals@doc.gov, by facsimile (fax) to (202) 482-2552, or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. Your appeal must include a copy of the original request, the response to your request, and a statement of the reason why the denial of your fee waiver request was in error. **The submission of your appeal (including e-mail and fax submissions) is not complete without the required attachments.** The appeal letter, the envelope, the e-mail subject line, and the fax cover sheet should be clearly marked "**Freedom of Information Act Appeal.**" The e-mail, fax machine, and Office are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, fax machine or Office after normal business hours will be deemed received on the next normal business day.

Sincerely,



Michael J. Toland, Ph.D.
Freedom of Information Act Officer
Chief, Freedom of Information Act and Information Branch

Enclosures:
Fee Estimate
FOIA Check Transmittal Form

FOIA: DOC-CEN-2013-001317 FEE ESTIMATE

	Fee
<p>Search (actual salary rate of employee conducting search, plus 16 percent of salary rate excluding the first 2 hours of search)</p> <p>GS-12 step-10 for 10 hours (This excludes the first 2 hours of search.) (\$46.64 x 10 hours = \$466.40)</p> <p>GS-12 step-2 for 1 hour (\$37.07 x 1 hour = \$37.07)</p> <p>\$503.47 * 1.16 = \$584.02</p>	\$584.02
<p>Duplication (actual direct cost including operator time, excluding the first 100 pages)</p> <p>62,976 pages-100 free pages=62,876 pages 62,876 pages/20 pages=3,143.8 units 3,143.8units x 5 minutes= 15,719 minutes 15,719 minutes/60 minutes = 261.9 hours</p> <p>GS-12 step 10 for 261.9 hours (\$46.64 x 261.9 hours=\$12,215.01)</p>	\$12,215.01
Total Fee Estimate	\$12,799.03

FOIA CHECK TRANSMITTAL FORM

	<u>United States Postal Service</u>	<u>Private Carrier</u>
SEND TO:	FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Washington, D.C. 20233	FOIA Office Room 8H027 U.S. Census Bureau 4600 Silver Hill Road Suitland, MD 20746
FROM:	Mr. Angel Jimenez MuckRock News, Dept MR 6385 P.O. Box 55819 Boston, MA 02202-5819	
FOIA:	DOC-CEN-2013-001317	
REQUEST FOR:	Information about temporary Census workers in the last US Census. Specifically you request information regarding DOB, date of termination and reason for termination, along with date of application and reason for not hiring.	

AMOUNT ENCLOSED: \$_____

Make check payable to "Treasury of the United States."

SIGNATURE _____ DATE _____